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Pitcairn

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 11 January 2012. Further details are contained in previous working papers posted on the United Nations website, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Pitcairn is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of the administering Power: High Commissioner: Vicki Treadell.

Geography: Pitcairn is located midway between Australia and the continent of South America at 25°S and 130°W. It comprises four islands: Pitcairn (the only inhabited island), Henderson, Ducie and Oeno. The terrain is of rugged volcanic formation, with a rocky coastline and cliffs lining nearly the entire perimeter of the island, allowing no easy access from the sea. Although canoes can be launched in many places, Bounty Bay and the Tedside landing are the only two places on the Island offering a reasonably safe landing.

Land area: 35.5 sq km, while that of Pitcairn itself is 4.35 sq km.

Exclusive economic zone: 800,000 sq km.^a

Population: 51 (2008).

Languages: The official languages are English and Pitkern, a mixture of eighteenth-century English and Tahitian.

Capital: Adamstown, the only settlement.

Head of the territorial Government: Vicki Treadell.

Mayor: Mike Warren.

Main political parties: None.

Elections: Elections of the Council are held every two years; elections for the Mayor, the head of the Council, are held every three years.

Economy: The economy of Pitcairn is largely based on fishing, horticulture, the sale of handicrafts, beekeeping and honey production. Pitcairn receives budgetary aid from the United Kingdom.

Monetary unit: New Zealand dollar (NZ\$).

History in brief: Pitcairn (named after Robert Pitcairn, a British midshipman who sighted it in 1767) was uninhabited when castaways from *HMS Bounty* (9 mutineers and 18 Polynesians) arrived there in 1790. The majority of the inhabitants of Pitcairn today can trace their ancestry back to those mutineers.

^a Exclusive economic zone data from Johann D. Bell, Johanna E. Johnson and Alistair J. Hobday, eds., *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change* (Auckland, New Zealand: Secretariat of the Pacific Community, 2011). Available from www.spc.int/climate-change/fisheries/assessment/e-book.

I. Constitutional, legal and political issues

1. A new Constitution came into effect in March 2010, replacing the Pitcairn Order 1970 and Royal Instructions. It set out for the first time rights and freedoms of the individual, provided for an Attorney General and established the authority of the Island Council, updated the role of the Governor and brought the judicial system into the Constitution. The British Overseas Territories Act 2002 provides for the grant of British citizenship to "British overseas territory citizens". The Governor is appointed by the British crown, acting on the advice of the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, to whom she is accountable. In practice, the High Commissioner of the United Kingdom of Great Britain and Northern Ireland to New Zealand is appointed concurrently as Governor of Pitcairn, and overall responsibility for the administration of the Island is accordingly vested in this function.

2. Under the Constitution, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject after consultation with the Island Council. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the British Monarch, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an Order in Council.

3. The Island community was also fully involved in consultations leading to the setting-up of a new governance structure on the Island in April 2009. This created four senior public sector posts (Division Managers) to boost local administrative capacity and introduced fair and transparent systems for government job selection and performance management. The process of devolving more functions and responsibilities to the Island is ongoing but will be a gradual one given limited human resources and appropriate skills in the tiny population. For the time being, some administrative functions will need to remain with the Pitcairn Islands Office in Auckland, New Zealand.

4. Pitcairn Islanders manage their internal affairs through the Island Council established by the Local Government Ordinance and enshrined in the Constitution. The Ordinance conferred upon the Council the duty, subject to orders and directions by the Governor, to provide for the enforcement of the laws of Pitcairn, and empowered it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the Islanders. Under the new government structure, the Island Council consists of seven voting members: the Island Mayor, who is elected every three years; the Deputy Mayor and five Councillors, who are elected every two years; and one nominated member, who is appointed by the Governor. The Governor and her representatives are non-voting *ex officio* members. During elections in December 2010, Mike Warren was elected as Mayor.

A. Electoral qualifications

5. In order to vote, persons must be at least 18 years old and, if not born on Pitcairn, must have been resident for three years (one year for spouses and two years for *de facto* partners). To stand for the Council, candidates must fulfil the same residence requirements but must be at least 21 years of age. For the posts of Mayor

and Deputy Mayor, the qualifying residence is 10 years and 5 years, respectively, and the minimum age is 25. The Island Secretary prepares the register of voters in October of each year, and elections are held on a day during the first two weeks in December.

B. Judicial system and human rights

6. An Island Magistrate is appointed from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Court in matters outside the powers of the Island Magistrate. The jurisdiction of the Court is limited to offences triable summarily, committal proceedings and certain inquiries, together with civil litigation up to a prescribed level. There is a right of appeal from the Court to the Supreme Court of Pitcairn, which is a superior Court of record and has jurisdiction in criminal and civil cases outside the competence of the Magistrate's Court. The Supreme Court is constituted by a judge, the Chief Justice or one of several puisne judges, with or without assessors. Further rights of appeal may be made to the Pitcairn Court of Appeal, comprising three judges, and to the Privy Council.

7. According to the United Kingdom, the Pitcairn Courts have jurisdiction in relation to human rights arising out of the laws in force in the Islands. The judiciary and the Governor have a corresponding jurisdiction to uphold and enforce human rights in the Islands.

8. Any violation of the civil or political rights of any person is justiciable by means of injunction and damages that may be awarded by the Supreme Court. That court has inherent power and jurisdiction to award compensatory damages and, in certain cases, punitive damages, as well as to give binding directions to secure the rehabilitation of such persons. In the circumstances of Pitcairn, the Governor, as holder of the highest executive office, and the Chief Justice, as head of the judiciary, are responsible within their respective spheres of authority for overseeing the implementation of human rights on Pitcairn.

9. The United Kingdom has further noted that the laws in force in the Territory, including those relating to human rights, are published by the Government of the United Kingdom and the Government of the Pitcairn Islands and are readily available to all on the Island through the Island Secretary's office. The Territory's reports to international bodies are prepared by the Government of the United Kingdom, drawing on information provided by the Governor and the Island administration.

10. With regard to the issue of self-government, in 2008, Ministers from the Foreign and Commonwealth Office and the Department for International Development of the United Kingdom held discussions on the future policy for Pitcairn and an internal joint development strategy paper was produced. According to the United Kingdom, both Departments are working closely to enable Pitcairn to reach self-sustainability. The United Kingdom Department for International Development and the Pitcairn Government are currently working on a five-year strategic development plan for the Island.

11. With regard to the European Convention on Human Rights, in a report issued in June 2008, the House of Commons Foreign Affairs Committee on the Overseas

Territories quotes information provided by the Foreign and Commonwealth Office, through the Pitcairn Commissioner, stating that the European Convention on Human Rights had been extended to “all populated Territories except Pitcairn”. But the Constitution for Pitcairn, referred to in paragraph 1 above, includes the rights and freedoms of the individual taken from the European Convention on Human Rights and other relevant rights taken from the International Covenant on Civil and Political Rights. A human rights capacity-building project, funded by the Government of the United Kingdom for its overseas territories, included visits to Pitcairn in September 2009 and March 2011 by human rights trainers from the Commonwealth Foundation. The project continues to offer guidance to the community on human rights issues.

12. In June 2011, the Commonwealth Foundation, the Commonwealth Human Rights Initiative and the Commonwealth Legal Education Association organized a 10-day training session on human rights for the inhabitants of the Island. The training focused on ways to ensure that laws and regulations respect Pitcairn’s Constitution adopted in 2010 and on the development of a national human rights plan. Additionally, in May 2011, the Child Protection Studies programme, a training course accredited by the New Zealand Qualifications Authority, graduated the first five students from the Island.

II. Budget

13. According to the United Kingdom, the 2010-2011 expenditure for Pitcairn, supported by the Department for International Development of the United Kingdom was roughly \$NZ 4.5 million, and income for the year was \$NZ 204,000. Budgetary aid amounting to \$NZ 4.28 million was provided in 2010-2011 to help meet the operating budget deficit. Significant development funds have been allocated for infrastructure projects by the Department for International Development and the European Union. Those funds are expected to be used for a wind power or alternative sustainable energy project to reduce the Island’s dependence on diesel — for which procurement is about to begin — and for the improvement of access to the Island, including construction of an alternative landing. Other infrastructure projects will include road improvements and upgrades to public buildings. The territorial allocation provided for Pitcairn under the tenth European Development Fund, which runs from 2008 to 2013, amounts to 2.4 million euros.

III. Economic and social conditions

14. The principal source of income for Pitcairn’s public economy had traditionally been the sale of stamps. Owing largely to a downturn in the stamp market, however, the Island now receives budgetary assistance from the Department for International Development of the United Kingdom. A scaled-down stamp trade continues nonetheless, with six or seven new stamp issues released each year. Pitcairn coins (New Zealand mint) are another collectors’ item, and include a number of new designs expected for release in 2011/12. Revenue is also generated from landing fees for tourist arrivals.

15. Pitcairn’s income is also supplemented by the sale of Internet domain names. Internet users worldwide can acquire a “.pn” suffix that is permanently awarded to

Pitcairn. The fees for the acquisition of a “.pn” domain are 200 United States dollars for the first registration, which covers two years, and 100 United States dollars for annual renewal thereafter.

16. According to data from the Commonwealth Secretariat, a range of minerals, including manganese, iron, copper, gold, silver and zinc, has been discovered within the exclusive economic zone of the Territory. The private economy of Pitcairn is based on subsistence gardening, fishing and the manufacture and sale of handicrafts, as well as the export to Japan, New Zealand, the United States of America and French Polynesia of dried fruit, vegetables, honey and honey products. Bartering, mainly with passing ships, is an important part of the economy. The fertile soil of the valleys produces a wide variety of fruits and vegetables. Fish is the main source of protein in the Islanders' diet.

17. Territory imports, mostly from New Zealand, include fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The latter are ordered several months in advance and are obtainable through a Government store, established in 1967. The Pitcairn Island Producers' Cooperative, established in 1999, promotes and coordinates the distribution of produce. A number of Pitcairn items are available directly via the Internet. Given the remoteness of Pitcairn, customers must allow up to six months for delivery and, when paying for orders by cheque, customers are advised to leave their cheques undated because of the long time it takes to process them.

18. The uninhabited island of Henderson, designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization in 1988, is the largest of the group and the richest in natural resources of the three satellite islands. Islanders visit there occasionally, staying a few days to collect a year's supply of miro wood, which they use to produce carvings, as well as to put down a layer of young miro branches in order to ensure a sustainable crop for years to come. The journey by longboat may take about 14 hours each way, depending on weather conditions. Environmentalists also visit Henderson from time to time, as it is known for its endemic species of birds and plants in a near-pristine system. From July to September 2011 a non-governmental organization led a project to eradicate rats, which were threatening the bird population. Early indications are that the project, to which the Government of the United Kingdom contributed more than 400,000 pounds sterling has been a success. Islanders also make the voyage to Oeno, known as their “holiday island”, once a year for a week of fishing and gathering coconuts and shells. Traditionally, the fish caught on those expeditions are shared equally among the families in the Territory. Oeno is an important breeding site for seabirds.

A. Transport

19. Access to Pitcairn is possible only by sea. A shipping service runs from Mangareva in French Polynesia to the Island eight times a year, with four freight runs directly from New Zealand. Cruise ships also call during the season, which lasts from December to March. Ships visiting the Island remain at anchor some distance from the shoreline and visitors are ferried to the Island in longboats. According to the information provided by the United Kingdom, plans are being

considered to improve landing facilities, particularly for cruise ship passengers, as tourism development is important for Pitcairn's future prosperity.

B. Communications and power supply

20. The communications system installed in 2006 provided the Island with telephones in all homes, a stable Internet system, limited television service and videoconferencing facilities. Following a visit by an engineer in March 2011, a recommended upgrade to the system is expected to be funded by the end of the financial year.

21. Feasibility studies have been carried out for a breakwater or alternative landing and a new wind-diesel electricity generation system for the provision of a 24-hour electricity supply. Currently, diesel-driven generators provide 240-volt electric power for five hours in the morning and five hours in the evening.

C. Land tenure

22. A Land Tenure Reform Ordinance was enacted at the end of 2006 to ensure that every Pitcairn Islander was entitled to an allocation of house, garden, orchard and forestry land "sufficient to meet their needs" for as long as they lived on Pitcairn. An annual land tax payable on all land held by non-residents of the Territory, or on land held by residents "in excess of his or her reasonable needs", is aimed at ensuring that sufficient land is available for reallocation through the Land Court, upon application. Only Pitcairn Islanders by birth or naturalization, or their children or grandchildren who have reached the age of 18 years, are eligible to apply for an allocation. They must be resident at the time of application and must intend to remain so. More detailed information on land distribution issues is provided in the 2005 working paper (A/AC.109/2005/10).

D. Employment

23. The population of the Territory is self-employed, but allowances are paid to members of the community who participate in local government activities. Under the new governance structure, introduced in April 2009, the majority of the inhabitants have at least one part-time government job. Public work, recently renamed "civic obligations", required by law of all men and women between 15 and 65 years of age, is partly a relic of the society created by the mutineers and partly a necessity born of the basically tax-free economy. The most essential of the traditional public duties is concerned with Bounty Bay, the maintenance of public boats or unloading supplies. There are no banking facilities, but undated personal cheques and traveller's cheques may be cashed at the Island Secretary's office.

E. Education

24. Education is free and compulsory for all children between 5 and 15 years of age. Pitcairn's only school was completely rebuilt in 2006. Instruction is in English and is based on the New Zealand standard curriculum. The Education Officer, who

is also the editor of the *Pitcairn Miscellany*, the Territory's only newspaper, is a qualified teacher recruited from New Zealand, usually for a one-year term. For practical reasons, post-primary education is conducted at the school by correspondence courses arranged through the Department of Education of New Zealand. Overseas secondary education is encouraged by the grant of bursaries, and a number of students have received secondary education in New Zealand at the expense of the Government of Pitcairn. Since 2007, citizens from the overseas territories have benefited from the home student fee rate at British universities.

25. Pitcairn Island has a museum built using funds from a grant from the Government of the United Kingdom. Artefacts on display include stone tools made by Polynesians prior to the arrival of the mutineers, as well as cannonballs, an anchor and a swivel gun from the *HMS Bounty*. The Seventh-Day Adventist Church is the only Church on the Island. A pastor from New Zealand is currently stationed on the Island.

F. Health care

26. The Pitcairn Island Health Centre, completed in 1997, was funded by the Department for International Development of the United Kingdom. It has an examination room, a dental clinic, an X-ray room and a two-bed ward for overnight patients. A general practitioner is stationed on the Island on a one-year contract, assisted by an assistant nurse and a local dental officer, who also acts as an X-ray technician. The Government has also funded a social welfare programme, which includes a Family and Community Adviser, who is also recruited from New Zealand on a one-year contract. As on other Pacific islands, obesity and diabetes are a health problem.

G. Criminal justice

27. Allegations of child sex abuse, which came to light in 1999, led to a widespread police investigation resulting in 13 men being charged with a total of 96 offences. The trials of the seven on-island defendants were held on Pitcairn in 2004.

28. By December 2010, most of the men had passed their sentence expiry dates, except for three who are on parole. Parole is monitored by the Community Police Officer, seconded from the New Zealand Police Force (for further details see previous working papers, including A/AC.109/2011/4).

IV. Environment

29. In November 2011, the Applied Geoscience and Technology Division of the Secretariat of the Pacific Community, during the Second Annual Partners Meeting for the Supporting Disaster Risk Reduction in Pacific Project for the Overseas Countries and Territories, presented a project within the framework of the Disaster Reduction Programme to support Pitcairn's capacity to strengthen its resilience to longer periods of drought and to mitigate the drought's negative effects on the availability of crops and water. The project will monitor closely the climate and water resources, and the data collected will be used to increase the Island's water

catchment capacity as well as water storage, treatment and distribution. In addition the project aims at enhancing the Island's water and meteorology governance arrangements.

30. In January 2012, the Department for Environment, Food and Rural Affairs of the United Kingdom issued a paper entitled "The environment in the United Kingdom's Overseas Territories: United Kingdom Government and civil society support" on the advice and support available to the territories in areas of its competency, and highlighted the availability of departmental funds for that purpose.

V. Relations with international organizations and partners

31. It has been agreed to extend the United Nations Convention against Corruption, the Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) to Pitcairn at the earliest opportunity.

32. Pitcairn is a member of the Secretariat of the Pacific Community, which is the oldest and largest organization in the 10-member Council of Regional Organizations of the Pacific, a consultative process that is headed at the political level by the Pacific Islands Forum Secretariat. The Secretariat of the Pacific Community provides technical assistance, policy advice, training and research services to 22 Pacific Island Countries and Territories in areas such as health, human development, agriculture, forestry and fisheries. Pitcairn also participates in the Pacific Community Coastal Fisheries Programme.

VI. Future status of the Territory

A. Position of the territorial Government

33. The most recent statement by a representative of the Island Mayor was made during the Pacific Regional Seminar on Advancing the Decolonization Process in the Pacific region, held in Madang, Papua New Guinea, from 18 to 20 May 2004. The statement is summarized in the report of the Special Committee on Decolonization for 2004 (A/59/23).

B. Position of the administering Power

34. According to the record of the second meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-sixth session of the General Assembly (A/C.4/66/SR.2), on 3 October 2011 the representative of the United Kingdom, *inter alia*, said that the relationship of the Government of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of each territory to determine whether it wished to remain linked to the United Kingdom or not. Where independence was an option and was the clear and constitutionally expressed wish of the people of a territory, his Government would help that territory to achieve it. Where a territory

wished to retain its link to the United Kingdom, his Government would remain committed to its future development and continued security.

35. The speaker went on to say that the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom had recently announced the Government's new strategy on its overseas territories. The time was not right to embark on further constitutional change. Rather, his Government was focusing on three practical policy goals: to strengthen interaction between the United Kingdom and its territories; to work with the territories to strengthen good governance, public financial management and economic planning where necessary; and to improve the support available to the territories. The implementation of the new strategy would take different forms in each territory, and a public consultation exercise had been launched in order to encourage the territories and other stakeholders to input their views on priorities. The outcome of the exercise would inform the white paper on the territories that the Government intended to publish in 2012. The Government of the United Kingdom was committed to allowing each territory to run its own affairs as far as possible, which entailed responsibilities and good governance on the part of the territory. The speaker further stressed that where "high standards of probity and governance were not maintained, the United Kingdom did not hesitate to intervene".

C. Action by the General Assembly

36. On 9 December 2011, the General Assembly adopted, without a vote, resolutions 66/89 A and B, based on the report of the Special Committee (A/66/23) and on its consideration by the Committee. Section VIII of resolution 66/89 B concerns Pitcairn, the operative part of which reads:

The General Assembly ...

1. *Recalls* the entry into force of the Pitcairn Constitution Order 2010 in the Territory in March 2010, featuring a new constitutional framework and human rights provisions, and all efforts by the administering Power and the territorial Government that would further devolve operational responsibilities to the Territory, with a view to gradually expanding self-government, including through training of local personnel;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the territorial Government on how best to support socio-economic security in Pitcairn.